

Group II, claim 25, drawn to a process for preparing a propylene copolymer composition.

Group III, claim 26, drawn to a "process comprising producing fibers, films or moldings.

Group IV, claim 27, drawn to a fiber, film or molding.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the Group II claims are drawn to a method of making the propylene copolymer composition, yet the composition may be made by producing both resins in separate reactors with subsequent blending. The Group III method of producing "fibers, films or moldings" is drawn to a process of using the Group I claimed invention. The Group IV product is distinct from the composition of Group I.

**§1.475 Unity of invention before the International Searching Authority, the International Preliminary Examining Authority and during the national stage.**

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; or

- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

applicants are entitled to elect following the guidelines above.

If applicants elect either Group III or Group IV either with or without the Group I claims, the following election is required.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- 1) fiber,
- 2) film, or
- 3) molded article.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claim subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election,

applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Claims 26 and 27.

The following claims are generic: claims 26 and 27

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: compositions suitable for the production of molded articles may, or may not, be suitable for the manufacture of either films or fibers. Likewise, compositions suitable to make fibers may not be suitable to produce films or molded articles.

Due to the complexity of the requirement, applicants' counsel was not contacted telephonically to request an oral election to the above requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out the supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by a fee required under 37 CFR 1.17(i).

**PROVISIONAL ELECTION**

Applicant provisionally elects Group I, drawn to a propylene copolymer composition. Claims 17-24 are readable on the elected invention.

**TRAVERSAL**

Applicant respectfully traverses the Examiner's restriction requirement.

In particular, Applicant traverses the Examiner's contention that pending claims 17-27 lack a single inventive concept under PCT Rule 13.1.

In fact, all of claims 17-27 claim directly, or indirectly, a propylene copolymer composition comprising:

- A) a propylene copolymer containing from 1 to 20% by weight of olefins other than propylene and
  - B) at least one propylene copolymer containing from 10 to 30% by weight of olefins other than propylene,
- where the propylene copolymer A and the propylene

copolymer B are present as separate phases and a portion of n-hexane soluble material is  $\leq 2.6\%$  by weight.

Accordingly, Applicant respectfully believes the aforementioned propylene copolymer composition satisfy the "special technical features" requirement to form a single general inventive concept under 37 C.F.R. §1.475.

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned practitioner at the below-listed number and address.

Respectfully submitted,

By: 

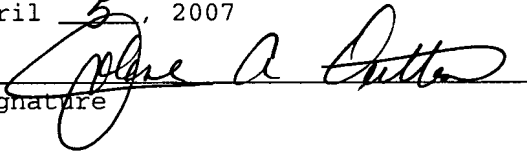
Jarrod N. Raphael  
Registration No. 55,566  
Customer No. 34872

Date: April 5, 2007  
Basell USA Inc.  
912 Appleton Road  
Elkton, MD 21921  
Telephone No.: 410-996-1750  
Fax No.: 410-996-1560

Serial No.: 10/517,588

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 5, 2007

Signature



Date

April 5 2007